

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EASTMAN KODAK COMPANY,

Plaintiff,

-v-

ASIA OPTICAL COMPANY, INC.,

Defendant.
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11cv6036 (DLC)

ORDER

9/08/11/8

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INCL 10

DENISE COTE, District Judge:

On July 23, 2015, Eastman Kodak Company's ("Kodak") motion for an anti-suit injunction was granted. On July 30, a permanent injunction was issued requiring, inter alia, Asia Optical Company, Inc. ("AO") to file within five business days a request with the Chinese court seeking the full and final dismissal with prejudice of all claims asserted against Kodak in the Chinese litigation. On August 3, AO appealed the entry of the July 30 permanent injunction. AO then moved on August 4 for a stay of the July 30 permanent injunction pending appeal or, in the alternative, a temporary administrative stay.

On August 5, an order was issued directing both parties to indicate whether they would consent to the imposition of a stay subject to two conditions: (i) that AO file by **August 14, 2015**, a motion for expedited review of its August 3 appeal before the Court of Appeals; and (ii) that AO withdraw by **August 14, 2015**,

the Chinese complaint without prejudice pending a decision of the Court of Appeals on AO's August 3 appeal.

On August 7, AO indicated that it did not consent to the imposition of a stay subject to these two conditions. On August 10, AO amended its response to state that, after further consideration, it did consent to the imposition of a stay subject to the two conditions. On August 11, Kodak consented to the imposition of a stay pending appeal subject to the two conditions. Kodak further requested that: (i) the order issuing the stay include a provision for immediately and automatically lifting the stay if AO is not in full compliance with the conditions; and (ii) the Court require AO to post a one million dollar supersedeas bond with the Court prior to issuance of the stay. Having received the consent of both parties, it is hereby

ORDERED that the July 30 permanent injunction is stayed pending resolution of AO's August 3 appeal before the Court of Appeals for the Second Circuit provided that AO:


(i) file by **August 14, 2015**, a motion for expedited review of its August 3 appeal before the Court of Appeals; and

(ii) withdraw by **August 14, 2015**, the Chinese complaint without prejudice.

IT IS FURTHER ORDERED that in the event that AO fails to comply with either condition by August 14, 2015, the stay shall be lifted automatically and AO's August 4 request for a stay will be denied.

IT IS FURTHER ORDERED that Kodak's request that the Court require AO to post a one million dollar bond is denied.

Dated: New York, New York
August 11, 2015



DENISE COTE
United States District Judge